

REMARKS**I. General**

The issues outstanding in the instant application are as follows:

- The disclosure is objected to for informalities;
- Claims 1-51, 53-83 and 86-92 stand rejected under 35 U.S.C. §103(a) as unpatentable over Elliott, U.S. Pat. No. 6,614,781 (hereinafter *Elliott*); and
- Claims 52, 84 and 85 are objected to as being dependent upon a rejected base claim.

Applicant wishes to thank the Examiner for the indication that claims 52, 84 and 85 include allowable subject matter. However, Applicant hereby traverses the outstanding rejections of the remaining claims, and requests reconsideration and withdrawal of the outstanding rejections and objections in light of the amendments and remarks contained herein claims 1-92 are currently pending in this application.

II. Amendments to the Drawings

A replacement sheet for drawing sheet 9 of 10, including an amended FIGURE 6, accompanies this Amendment. "CloseLogicalChannel" message 932 has been amended to replace the inadvertent notation "(CURRENT OUTGOING WITH "B"s IP AND RTP ADDRESS)" with the corrected notation "(CURRENT OUTGOING WITH "A"s IP AND RTP ADDRESS)".

III. Disclosure Informalities

The recitation of "gateway 214" on line 23 of page 9 of the disclosure is objected to for informalities. The Office Action suggests that this passage should be changed to recite "gateway 224." However, Applicant respectfully disagrees and respectfully contends that the recitation of "gateway 214" on line 23 of page 9 of the disclosure is correct. Beginning on line 19 of page 9, the example of "connecting telephone 218 to another device external to VRU 200, for example to telephone 206 or telephone 232" is expanded upon at line 22 of page 9 by providing that "if the connection to the external device is back through gateway

214 and packet network 216, the entire sequence of compression/decompression, if necessary, and translation must be performed again.” (Subject phrase emphasized.) Applicant respectfully contends that the conditional phrase “if the connection to the external device is back through gateway 214 and packet network 216” is accurate and needs not be amended, particularly in light of the following declarative phrase, “the entire sequence of compression/decompression, if necessary, and translation must be performed again.”

However, to correct typographical errors, the following amendments have been made to the specification: At page 25, line 6, “gateway 810 and VMS 804” has been amended to read “gateway 810 and CCS 802”. At page 25, line 6, “gateway 812 and VMS 804” has been amended to read “gateway 812 and CCS 802”. At page 32, line 15, “G.931” has been amended to read “Q.931”. At page 33, line 5, “H.245-G.931” has been amended to read “H.245-Q.931”.

IV. Rejections under 35 U.S.C. §103(a)

Claims 1-51, 53-83 and 86-92 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Elliott*. Applicant respectfully traverses these rejections.

A Prima Facie case of obviousness has not been established.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the second criterion, Applicant respectfully asserts that the rejection does not satisfy the first and third criteria.

The recited combination does not teach or suggest all claimed limitations.

A. Claims 1-30

In addressing independent claim 1, the Office Action admits that *Elliott* does not teach “an IVR adapted to provide control signals to the first network interface to direct the first media stream to a node.” The Office Action attempts to cure this deficiency by stating:

Elliott teaches a processor adapted to provide control signals to said first network interface (FIG. 6D, Abstract lines 15-24) referenced by Soft Switch 204 providing H.323 control signals to Service Node/IP 656 and Gateway Site 110 to set up calls, to direct at least a portion of said first media stream to a node in said asynchronous network other than said interactive response process (FIG. 2B) referenced by establishing RTP media stream between originating Trunking Gateway 232 and terminating Trunking Gateway 234.

The Office action goes on to provide:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Network IVR processor into the Soft Switch processor of Elliott for the purpose of consolidating functions and ease of maintenance.

In response, claim 1 has been amended to recite that the “interactive response process accepts at least a portion of said first media stream and to provides a media stream in response thereto, “ and that the “interactive response process provides control signals to said first network interface” (emphasis added). Claims 6, 13, 14 and 23 have been amended accordingly. Applicant respectfully contends that the proposed modification does not teach or suggest all limitations of independent claim 1, particularly in light of the aforementioned amendments.

Claim 1, as amended, recites “said interactive response process provides control signals to said first network interface to direct at least a portion of said first media stream.” As noted above, the Office Action admits that *Elliott* does not disclose “an IVR adapted to provide control signals to the first network interface to direct the first media stream to a node” and goes on to modify *Elliott* by indicating that the soft switches of *Elliott* provide H.323 control signals to the *Elliott* gateway (interface) to direct at least a portion of a first media stream to a node in an asynchronous network other than an interactive response process. The Office Action also states it would have been obvious to incorporate *Elliott*’s Network IVR processor into the Soft Switch processor for the purpose of consolidating functions and ease of maintenance. However, as amended claim 1 recites that the interactive response process provides the control signals. Applicant respectfully contends that even if *Elliott* is modified as suggested by the Office Action to “incorporate *Elliott*’s Network IVR processor into the Soft Switch processor” control signals from the modified system would

still be provided by the soft switch processes and not by the interactive response process, as recited by claim 1, as amended.

For at least the above reasons, Applicant respectfully asserts independent claim 1 is patentable over the 35 U.S.C. § 103(a) rejection of record. Claims 2-30 ultimately depend from independent claim 1, and thereby inherit all limitations of claim 1. Therefore, for at least the reasons advanced above, each of claims 2-30 also set forth features and limitations not recited by *Elliott* as modified by the Office Action. Thus, Applicant respectfully asserts claims 2-30 are also patentable over the 35 U.S.C. § 103(a) rejection of record.

B. Claims 31-51, 53-83 and 86-92

In addressing each of independent claims 31, 63 and 82, the Office Action admits that *Elliott* does not teach the “IVR is adapted to utilize packet network protocols.” In each case, the Office action goes on to state “Elliott teaches Soft Switch is adapted to directly utilize packet network protocols (FIG. 6C) referenced by Soft Switch 204 using Internet Protocol Device Control in communication with the Data Network 112” and that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Network IVR unit and Calling Card IVR unit into the Soft Switch processor of Elliott for the purpose of consolidating functions and ease of maintenance.” Regardless, *Elliott* as modified by the Office Action fails to teach or suggest all limitations of claims 31, 63 and 82.

Independent claims 31, 63 and 82 recite “establishing a signaling channel between said first communication device and said interactive response process discrete from said first and second media streams” The Office Action addresses these limitations by referencing Figure 24A of *Elliott* and stating: “referenced by signaling channel 2400 separate from data media stream to establish the call.” The Office Action does not employ its proposed combination of the Soft Switches and IVRs of *Elliott* in an attempt to reach this limitation. Regardless, the signaling channel referenced to by the Office Action exists between a communication device and the SS7 gateway 208/308 of a soft switch site, and not with the soft switch its self 204/304 therefore this signaling channel of *Elliott* not “between said first communication device and said interactive response process,” as recited by claims 31, 63 and 82, even if the IVR units of *Elliott* are incorporated in the soft switch processors.

Claim 31 also recites “controlling directing of said first media stream by said interactive response process responsive to said accepted information, wherein control of said first media stream is independent of control of said signaling channel” (emphasis added). Applicant respectfully contends that the Office Action fails to properly address at least the emphasized limitation. The Office Action refers to FIG. 24A in addressing this limitation and states “referenced by use of Soft Switch 304 use of IVR information to set up SS7 signaling information to establish first media stream and second media stream connection 2414.” However, nothing in FIG. 24A or its description at column 207, line 65- column 207, line 59 indicates control of the first media stream (part of 2414) is independent of control of signaling channel 2400.

Claim 63 also recites “redirecting, as a function of said accepted information, said first media stream from said interactive response process to said second communication device interfaced to said asynchronous network while maintaining said signaling channel” (emphasis added). The Office Action addresses this limitation by alleging *Elliott* uses “IVR data towards establishment of call between first communication device Telephone 120 on data stream 2410 to second communication device Telephone 102 on data stream 2402 via Data Network 2414 while maintaining separate signaling connection 2400.” Claim 82 also recites “terminating direction of said first media stream to said interactive response process while maintaining said signaling channel” (emphasis added). The Office Action addresses this limitation by alleging *Elliott* teaches “the first communication device Telephone 120 disconnecting the call to the Calling Card IVR 632 when the necessary information is obtained while the signaling channel 2400 is maintained for the active connecting call to the second communication device Telephone 102.” Applicant respectfully contends that the Office Action fails to properly address at least the emphasized limitations of claims 63 and 82 recited above. Nothing in FIG. 24A or its description at column 207, line 65, to column 207, line 59, indicates signaling channel 2400 is maintained once a call is connected to the second communication device.

For at least the above reasons, Applicant respectfully asserts independent claims 31, 63 and 82 are patentable over the 35 U.S.C. § 103(a) rejections of record. Claims 32-51 and 53-62 ultimately depend from independent claim 31; claims 64-81 ultimately depend from independent claim 63; and claims 83 and 86-92 ultimately depend from independent claim

82. Thereby, claims 32-51 and 53-62 inherit all limitations of claim 31, claims 64-81 inherit all limitations of claim 63, and claims 83 and 86-92 inherit all limitations of claim 82.

Therefore, for at least the reasons advanced above in addressing the rejection of claims 31, 63 and 82, each of claims 32-51, 53-62, 64-81, 83 and 86-92 also set forth features and limitations not recited by *Elliott* as modified by the Office Action. Thus, Applicant respectfully asserts claims 32-51, 53-62, 64-81, 83 and 86-92 are also patentable over the 35 U.S.C. § 103(a) rejection of record.

The Office Action does not provide the requisite motivation.

As noted above, in addressing claim 1 the Office Action admits that *Elliott* does not teach “an IVR adapted to provide control signals to the first network interface to direct the first media stream to a node.” The Office Action attempts to cure this deficiency by citing Soft Switch 204 that provides H.323 control signals to Service Node/IP 656 and Gateway Site 110, and alleging it would have been obvious to incorporate the Network IVR processor into the Soft Switch processor of *Elliott*. The motivation for making the modification was presented as follows:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Network IVR processor into the Soft Switch processor of *Elliott* for the purpose of consolidating functions and ease of maintenance.

In addressing each of independent claims 31, 63 and 82, the Office Action admits that *Elliott* does not teach the “IVR is adapted to utilize packet network protocols.” In each case, the Office action goes on to state “*Elliott* teaches Soft Switch is adapted to directly utilize packet network protocols (FIG. 6C) referenced by Soft Switch 204 using Internet Protocol Device Control in communication with the Data Network 112.” Similar to above, the motivation for making the modification was presented as follows:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Network IVR unit and Calling Card IVR unit into the Soft Switch processor of *Elliott* for the purpose of consolidating functions and ease of maintenance.

A mere assertion that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See *In re Mills*, 916 F.2d 680, 16 USPQ.2d 1430 (Fed. Cir. 1990) and M.P.E.P. §2143.01. As admitted by the Office Action in addressing claim 1, *Elliott* does not teach an interactive response process providing control signals to a network interface to direct a media stream to a node on an asynchronous network; and as admitted in addressing the remaining independent claims an IVR adapted to utilize packet network protocols. However, according to the Office Action, *Elliott* does teach soft switches that manage the gateway sites and employ packet network protocols. The Office Action proposes consolidating the function of an IVR into the soft switches of *Elliott* for the circular purpose of consolidation, and ease of maintenance. This statement of motivation is tantamount to a mere statement alleging that the reference can be modified, and does not state any desirability for making the modification. Further, nothing in *Elliott* or the Prior Art would seem to teach that a combination of one or more IVRs and one of *Elliott*'s Soft Switches would be easier to maintain. Additionally, such a combination of one or more IVRs and one of *Elliott*'s Soft Switches would require extensive untaught and unsuggested modification to other components of the network. For example, the Soft Switches of *Elliott* are call control devices, which provide "the call processing function for telecommunications network," column 30, lines 18-19. The IVRs of *Elliott* are call termination devices or network edge devices. Nothing taught or suggested by *Elliott* would provide one skilled in the art with the necessary knowledge to integrate one or more IVRs into a Soft Switch of *Elliott*, much less guidance in how to modify the rest of the network of *Elliott* to interface with the combined Soft Switch/IVR.

For at least the above reasons, Applicant respectfully contends that no valid suggestion has been made as to why a modification of *Elliott* is desirable. Therefore, the rejection of claims 1-51, 53-83 and 86-92 should be withdrawn.

V. Conclusion

Applicant wishes to reiterate appreciation of the Examiner's indication that claims 52, 84 and 85 include allowable subject matter. However, for at least the reasons given above, Applicant submits that the all the pending claims distinguish over the prior art of record under 35 U.S.C. §103. Accordingly, Applicant submits that this application is in full condition for allowance.

The Extension Fees necessary for entry of this Response are dealt with the in the accompanying Petition for Extension of Time and transmittal(s). However, if any additional fees are due with this response, please charge Deposit Account No. 06-2380, under Order No. 47524/P104C1/09908774 from which the undersigned is authorized to draw. Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes the attorney can be helpful in resolving any remaining issues.

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Respectfully submitted,

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